

Name, Address, Telephone No. &amp; I.D. No.

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**UNITED STATES BANKRUPTCY COURT**

SOUTHERN DISTRICT OF CALIFORNIA  
 325 West "F" Street, San Diego, California 92101-6991

In Re

James and Shelley McDowell

BANKRUPTCY NO. 99-30125-M7

Tax I.D./S.S.#:

Debtor.

**NOTICE OF MOTION FOR AVOIDANCE OF LAND SALE CONTRACT**

TO: United States Trustee, Chapter 7 Trustee, Mark and Carolyn Pappas, John Edwards

You are herewith served with the attached Motion by James and Shelley McDowell

for:

**MOTION TO AVOID LAND SALE CONTRACT**

and any accompanying declarations.

If you object to the Court granting the relief requested in the Motion:

- YOU ARE REQUIRED** to obtain a hearing date and time from the appropriate Courtroom Deputy for the judge assigned to this bankruptcy case. *If a Chapter 7, 11, or 12 case*, determine which deputy to call by looking at the Bankruptcy Case No. in the above caption of this notice. If the case number is followed by the letter:

-	M	-	call (619) 557-6019	-	DEPARTMENT ONE (Room 218)
-	A	-	call (619) 557-6594	-	DEPARTMENT TWO (Room 118)
-	H	-	call (619) 557-6018	-	DEPARTMENT THREE (Room 129)
-	B	-	call (619) 557-5157	-	DEPARTMENT FOUR (Room 328)

For ALL Chapter 13 cases, call (619) 557-5955.

- WITHIN FOURTEEN (14)<sup>1</sup> DAYS FROM THE DATE OF SERVICE OF THE MOTION**, you are further required to serve a copy of your DECLARATION IN OPPOSITION TO MOTION and separate REQUEST AND NOTICE OF HEARING

<sup>1</sup>If you were served by mail, you have three (3) additional days to take the above-stated actions.

[Local Form CSD 1184<sup>2</sup>] upon the undersigned moving party, together with any opposing papers. The opposing declaration shall be signed and verified in the manner prescribed by Federal Rule of Bankruptcy Procedure 9011, and the declaration shall:

- a. identify the interest of the opposing party; and
- b. state, with particularity, the grounds for the opposition.

3. **YOU MUST** file the original and one copy of the Declaration and Request and Notice of Hearing with proof of service with the Clerk of the U.S. Bankruptcy Court at 325 West "F" Street, San Diego, California 92101-6991, no later than the next business day following the date of service.

IF YOU FAIL TO SERVE YOUR "DECLARATION IN OPPOSITION TO INTENDED ACTION" AND "REQUEST AND NOTICE OF HEARING" within the 14-day<sup>1</sup> period provided by this notice, NO HEARING SHALL TAKE PLACE, you shall lose your opportunity for hearing, and the debtor or trustee may proceed to take the intended action.

DATED:

\_\_\_\_\_  
Attorney for Moving Party

### CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all times hereinafter mentioned was, more than 18 years of age;

That on \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I served a true copy of the within NOTICE OF MOTION by  
[describe here mode of service]

on the following persons [set forth name and address of each person served] and as checked below:

[ ] Attorney for Debtor (if required):

Gerald Davis, PO Box 182037, Coronado, CA 92178  
Mark and Carolyn Pappas, 5518 Starlight Ave, Oceanside, CA 92057  
John Edwards, 2223 Avenida De La Playa, La Jolla, CA 92037

[ X ] For Chpt. 7, 11, & 12 cases:	[ ] For Chpt. 13 cases numbered 90-08445 or lower and ODD numbers beginning with 92-01217:	[ ] For Chpt. 13 cases numbered 90-08446 to 92-01215 and EVEN numbers beginning with 92-01216:
UNITED STATES TRUSTEE Department of Justice 402 West Broadway, Suite 600 San Diego, CA 92101	THOMAS H. BILLINGSLEA, JR., TRUSTEE 530 "B" Street, Suite 1500 San Diego, CA 92101	DAVID L. SKELTON, TRUSTEE 620 "C" Street, Suite 413 San Diego, CA 92101-5312

I certify under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
(Date)

KIMBERLY HALE  
(Typed Name and Signature)

958 POSTAL WAY, SUITE 1  
(Address)

VISTA, CA 92083  
(City, State, ZIP Code)

<sup>2</sup>You may obtain Local Form CSD 1184 from the office of the Clerk of the U.S. Bankruptcy Court.